

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

January 1, 2007

There were no minutes for this date.

January 2, 2007

MISC. ORDER 2007-001

This order supersedes Miscellaneous Order 2006-006 and subsequent Amended Miscellaneous Order 2006-006 effective October 2, 2006, and Miscellaneous Order 2006-016, all relating to the implementation of the Mediation Program adopted by the Court of Appeal, Third Appellate District. (See Ct. App. Third Dist., Local Rules of Ct., rule 1, Mediation in Civil Appeals (*adopted eff. October 2, 2006, and amended eff. March 2, 2007*).)

BY THE COURT:

Upon filing of any civil notice of appeal, the provisions of rules 8.120, 8.124, 8.128, 8.130, 8.134, and 8.137 of the California Rules of Court requiring designation of the record and payment of estimated costs for preparation of the record are suspended, pending this court's decision to select or not select the civil appeal for mediation. If a civil appeal is selected for mediation, then the suspension of rules 8.120, 8.124, 8.128, 8.130, 8.134, and 8.137 remains in effect until completion of mediation. If a civil appeal is not selected for mediation, the coordinator of the Mediation Program must concurrently notify the parties, the superior court, and this court, in writing, that suspension of rules 8.120, 8.124, 8.128, 8.130, 8.134, and 8.137 is terminated. The parties' obligation to comply with the requirements of rules 8.120, 8.124, 8.128, 8.130, 8.134, and 8.137 commences as if notice of appeal was filed on the date specified in the notification.

If the parties stipulate to placement of a civil appeal in the Mediation Program, then upon the superior court's timely receipt of its copy of that stipulation, the provisions of rules 8.120, 8.124, 8.128, 8.130, 8.134, and 8.137 requiring designation of the record and payment of the estimated costs of preparation of the record are suspended. If this court accepts the stipulation and refers the case for mediation, suspension of rules 8.120, 8.124, 8.128, 8.130, 8.134, and 8.137 remains in effect until completion of mediation. If the case is not referred to mediation, the coordinator of the Mediation Program must concurrently notify the parties, the superior court, and this court, in writing, that suspension of rules 8.120, 8.124, 8.128, 8.130, 8.134, and 8.137 is terminated. The parties' obligation to comply with the requirements of rules 8.120, 8.124, 8.128, 8.130, 8.134, and 8.137 commences as if notice of appeal was filed on the date specified in the notification.

If completion of mediation does not result in disposition of the appeal, the coordinator of the Mediation Program must, within 10 days after notice of completion of the mediation, notify the parties, the superior court, and this court, in writing, that suspension of rules 8.120, 8.124, 8.128, 8.130, 8.134, and 8.137 is terminated. The parties' obligation to comply with the requirements of rules 8.120, 8.124, 8.128, 8.130, 8.134, and 8.137 commences as if notice of appeal was filed on the date specified in the notification.

2

ROBIE, J.

3

HULL, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

January 3, 2007, continued

**C049827 OROVILLE HOSPITAL v. DEPARTMENT OF HEALTH SERVICES
(Certified for Partial Publication)**

THE COURT:

It is ordered that the opinion filed in this case on December 12, 2006, be modified...

... These modifications do not change the judgment.

The opinion in the above entitled matter filed on December 12, 2006, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published with the exception of parts III and IV in the Official Reports and it is so ordered.

FOR THE COURT:

SCOTLAND, P.J.

BLEASE, J.

SIMS, J.

January 4, 2007

C048859 THE PEOPLE v. CARMONY (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.
Morrison, J.

**C050591 PATRICIA ADKINS INSURANCE AGENCY, INC. et al. v. STATE FARM
MUTUAL AUTOMOBILE INSURANCE COMPANY et al.
(Certified for Publication)**

The judgment is reversed. The trial court is directed to enter a judgment...The Agents are awarded their costs of appeal. (**Certified for Publication.**)

DAVIS, Acting P.J.

We Concur: Morrison, J.
Butz, J.

C051227 In re DIANA P.; THE PEOPLE v. DIANA P. (Not for Publication)

The order committing the minor to CYA is affirmed. The matter is remanded to the juvenile court with directions to determine the minor's maximum term of confinement in accordance with section 731, subdivision (b).

HULL, J.

We Concur: Blease, Acting P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

January 4, 2007, continued

C052145 In re MARC L.; THE PEOPLE v. MARC L. (Not for Publication)

The matter is remanded and the juvenile court is directed to enter appropriate findings and orders that coincide with its order placing the minor on probation in the care and custody of his mother, with the condition of probation that the minor serve 60 days in the juvenile hall. The judgment is otherwise affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Butz, J.

C049917 BENT v. RIVER COMMONS et al.

BY THE COURT:

Appellant's request to publish the opinion filed on December 8, 2006, is denied.

BLEASE, Acting P.J.

C049917 BENT v. RIVER COMMONS et al.

BY THE COURT:

Appellant's petition for rehearing is denied.

BLEASE, Acting P.J.

C054270 BARR-BROFELDT v. ALLSTATE INSURANCE COMPANY

BY THE COURT:

Appellant's petition for reinstatement of the appeal is granted. The order filed on December 15, 2006, dismissing the appeal is vacated, and the appeal is reinstated.

Respondent's Civil Appeal Mediation Statement shall be served and filed on January 16, 2007.

SIMS, Acting P.J.

January 5, 2007

C049205 THE PEOPLE v. GARCIA (Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

I concur: Raye, J.

I concur in parts I and III of the majority opinion.

However, I respectfully dissent from the majority's conclusion in part II...

Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

January 5, 2007, continued

C051055 THE PEOPLE v. FOOTE (Not for Publication)

THE COURT:

On the court's own motion, rehearing is granted in the above cause.

SIMS, Acting P.J.

DAVIS, J.

HULL, J.